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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7090 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SANJELI GROUP GRAM PANCHAYAT

Versus

STATE OF GUJARAT

Appearance:
MR TUSHAR MEHTA for Petitioner
MS BR GAJJAR, ld.AGP for Respondent No. 1
MR MUKESH R SHAH for Respondents No. 2-3

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 04/10/2001

ORAL JUDGEMENT

Sanjeli Group Gram Panchayat has filed the present petition through its Sarpanch Shri Jaswantsinh B.Raulji challenging the notification dated 24th July 1994 at Annexure.A bifurcating the petitioner Panchayat into different villages and the order dated 11th August 1995 passed by the respondent no.2 at Annexure.B appointing Administrator as consequence of the order Annexure.A.

This Court issued notice to the respondent no.2 on 21st August 1995 and granted ad-interim relief staying the enforcement and implementation of the order dated

11th August 1995 if it has not enforced or implemented. Rule was issued in this matter on 20.8.1996. Because of the ad-interim order dated 21.8.1995, the elected representatives of the Panchayat continued to function. It is stated by the learned Counsel that the term of the Panchayat has expired during the pendency of the petition. It was also submitted that during the pendency of the petition, on 25th August 2000, the Panchayat passed a resolution accepting the impugned notification and to request this Court to permit the Panchayat to withdraw the petition. Learned Counsel Mr.M.R.Shah appearing for respondents nos.2 & 3 places on record the said resolution together with the forwarding letter addressed by the Administrator to him. Learned Counsel Mr.Tushar Mehta appearing for the petitioner submits that he is not aware about any resolution that has been passed during the pendency of the petition.

In view of the fact that the petitioner Panchayat through its Administrator now does not want to proceed with the hearing of the present petition and necessary resolution to that effect is passed by the Panchayat, no useful purpose will be served to keep the present petition pending. In my opinion, it has become infructuous and is accordingly disposed of. Rule is discharged. Interim relief granted earlier stands vacated. No order as to costs.

However, liberty is granted to the petitioner in case of any difficulty.

4th Oct.2001 (K.R. Vyas, J.)
Sreeram.